

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

FILED  
U.S. DISTRICT COURT  
SAVANNAH DIV.  
2019 OCT 10 PM 12:01

MARK DANIEL EATON,

Plaintiff,

v.

ANDREW SAUL, Acting  
Commissioner of Social  
Security,

Defendant.

CASE NO. CV418-069

O R D E R

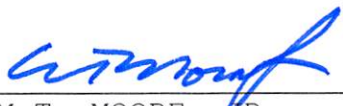
Before the Court is the Magistrate Judge's Report and Recommendation (Doc. 24), to which objections have been filed (Doc. 25). After a careful de novo review of the record, the Court concludes that Plaintiff's objections are without merit. Accordingly, the report and recommendation is **ADOPTED** as the Court's opinion in this case and the Commissioner's final decision is **AFFIRMED**. Accordingly, the Clerk of Court is **DIRECTED** to close this case.

In his objections, Plaintiff contends that the Administrative Law Judge's ("ALJ") partial rejection of the opinion of Dr. Agarwal, a physician who saw Plaintiff for a physical consultative examination, was not supported by substantial evidence. (Doc. 25 at 1-2.) Specifically, Plaintiff argues that the ALJ improperly substituted his

own opinion when faced with the alleged inconsistency in Dr. Agarwal's opinion. (Id.) The Court disagrees. In addition to the reasons set forth by the Magistrate Judge, the Court notes that even a treating physician's opinion can be discounted where the "(1) treating physician's opinion was not bolstered by the evidence; (2) evidence supported a contrary finding; or (3) treating physician's opinion was conclusory or inconsistent with the doctor's own medical records." Phillips v. Barnhart, 357 F.3d 1232, 1241 (11th Cir. 2004); see also Crow v. Comm'r, Soc. Sec. Admin., 571 F. App'x 802, 806 (11th Cir. 2014). Here, Dr. Agarwal was not a treating physician and his opinion was not entitled to great weight. Even so, the ALJ properly noted the inconsistency between Dr. Agarwal's opinion and his examination records and found that, in review of the other evidence, Dr. Agarwal's opinion regarding sitting and walking was not supported by the evidence. (Doc. 14, Attach. 2 at 18.) See Sampson v. Comm'r of Soc. Sec., 694 F. App'x 727, 737 (11th Cir. 2017) (finding that the ALJ articulated good cause for giving little weight to two of the treating physicians' opinions because the opinions were inconsistent with or not supported by the doctors' treatment notes and the ALJ's decision was supported by substantial evidence).

Plaintiff also objects to the Magistrate Judge's recommendation that substantial evidence supports the ALJ's determination and that the ALJ was entitled to give little weight to Dr. Hartzell's opinion. The Court has reviewed Plaintiff's objection on this ground and finds it to be without merit.

SO ORDERED this 10<sup>th</sup> day of October 2019.

  
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WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA